

To: John Osola
USEPA-Reg II

ROBERT J. DEL TUFO
Attorney General of New Jersey
Attorney for Plaintiff, New Jersey
Department of Environmental Protection
and Energy
R.J. Hughes Justice Complex
CN 093
Trenton, New Jersey 08625

FILED

MAR 19 1993

C. JUDSON HAMLIN
J.S.C.

Through: STEVEN J. MADONNA
State Environmental Prosecutor
(609) 292-3924

By: CHARLES A. LICATA
First Assistant State
Environmental Prosecutor
(609) 292-3924

SCOTT B. DUBIN
Deputy Attorney General
(609) 633-0943

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION- MIDDLESEX COUNTY
DOCKET NO.

NEW JERSEY DEPARTMENT,
OF ENVIRONMENTAL PROTECTION
AND ENERGY,

Plaintiff,

v.

OLD BRIDGE CHEMICALS, INC.,
MADISON INDUSTRIES, INC.,
ARNET REALTY, A PARTNERSHIP,
HYMAN BZURA, NETTIE BZURA AND
ARNOLD ASMAN,

Defendants.

SPECIAL ENVIRONMENTAL CASE

Civil Action

ORDER TO SHOW CAUSE

This matter having been opened to the Court by Robert
J. Del Tufo, Attorney General of New Jersey, attorney for
Plaintiff, State of New Jersey, Department of Environmental
Protection and Energy ("DEPE"), Charles A. Licata, First

507557



Assistant State Environmental Prosecutor and Scott B. Dubin, Deputy Attorney General, and it appearing to the Court from the Verified Complaint that defendants operate a hazardous waste facility, a wastewater treatment plant and other facilities in Old Bridge, New Jersey ("the site"), which generate solid wastes and hazardous wastes which are stored in piles in violation of N.J.A.C. 7:26-9.2(b)(4); and it further appearing that defendants have failed to determine whether the solid wastes generated at their facilities are hazardous wastes in accordance with the State hazardous waste regulations, N.J.A.C. 7:26-8.5(a); and it further appearing that Defendant OBC should immediately pay plaintiff \$32,120.00 in fees for inspections, compliance investigations and a compliance review of Defendant OBC's hazardous waste facility pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and N.J.A.C. 7:26-4A.3, and that Defendant OBC has failed to make such payment; and it further appearing that DEPE performed sampling and analyses related to this matter at a cost of \$26,854.00; and it further appearing that DEPE may proceed to collect a penalty through a summary proceeding, and for good cause shown,

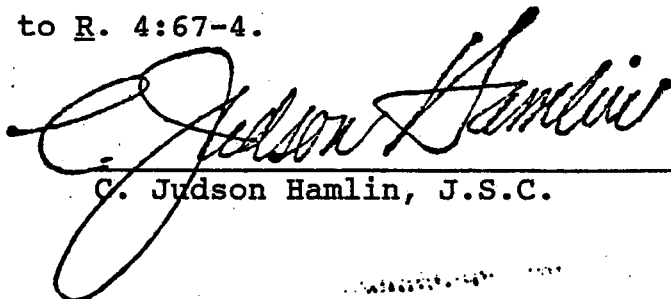
IT IS on this *19th* day of *March*, 1993,

ORDERED that Defendants shall show cause before the Superior Court of New Jersey, Chancery Division, Middlesex County, New Jersey on the *2nd* day of *April*, 1993 at *1:30* o'clock ~~in the forenoon~~, or as soon thereafter as counsel may be heard, why the relief sought by plaintiff in its Verified Complaint should be not be granted, including: ordering

defendants to perform environmental sampling and analysis of the waste piles and determine if the solid wastes are hazardous wastes, ordering defendants to manage the hazardous waste at the site in accordance with N.J.A.C. 7:26 and to remove the waste piles in accordance with State law, ordering defendants to make immediate payment of costs to DEPE for environmental sampling and analysis performed that is related to this matter, ordering defendants to pay fees to DEPE, ordering defendant to pay maximum statutory penalties (including the economic benefit derived from defendants' failure to comply with the Solid Waste Management Act) and all costs incurred for the prosecution of this action and it is

FURTHER ORDERED that copies of this Order to Show Cause, along with the Verified Complaint, be served, either personally, by certified mail, or by ordinary mail upon defendants within 5 days by counsel for plaintiff or its designee; and it is

FURTHER ORDERED that all parties shall file and serve upon the Court and all counsel all responsive pleadings no later than March 30, 1993, in default of which this action may proceed ex parte pursuant to R. 4:67-4.


C. Judson Hamlin, J.S.C.

ROBERT J. DEL TUFO
Attorney General of New Jersey
Attorney for Plaintiff
State of New Jersey, Department
of Environmental Protection
Richard J. Hughes Justice Complex
25 Market Street, CN 093
Trenton, New Jersey 08625-0093

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C. JUDSON HAMLIN
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State Environmental Prosecutor
(609) 292-3924

By: CHARLES A. LICATA
First Assistant State
Environmental Prosecutor
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SCOTT B. DUBIN
Deputy Attorney General
(609) 633-0943

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - MIDDLESEX COUNTY
DOCKET NO.

STATE OF NEW JERSEY,)	SPECIAL ENVIRONMENTAL CASE
DEPARTMENT OF ENVIRONMENTAL)	
PROTECTION AND ENERGY,)	Civil Action
)	
Plaintiff,)	VERIFIED COMPLAINT FOR
)	INJUNCTIVE RELIEF AND FOR
v.)	THE COLLECTION OF PENALTIES
)	
OLD BRIDGE CHEMICALS, INC.,)	
MADISON INDUSTRIES, INC.,)	
ARNET REALTY, A PARTNERSHIP,)	
HYMAN BZURA, NETTIE BZURA AND)	
ARNOLD ASMAN)	
)	
Defendants.)	

Plaintiff State of New Jersey, Department of
Environmental Protection and Energy ("DEPE") with its principal
offices at 401 E. State Street, Trenton, Mercer County, New
Jersey, by way of Verified Complaint against Defendants Old
Bridge Chemicals Co., Inc., Madison Industries, Inc., Arnet
Realty Co., Hyman Bzura, Nettie Bzura and Arnold Asman says:

NATURE OF ACTION

1. This is a civil action brought by DEPE for injunctive relief and penalties pursuant to the Solid Waste Management Act ("SWMA"), N.J.S.A. 13:1E-1 et seq., and the regulations promulgated pursuant thereto. The aforementioned statute authorizes DEPE to seek penalties against violators of the Act or any rule or regulation promulgated pursuant thereto. N.J.S.A. 13:1E-9(d) and (f). Additionally, said statutes provide for the court to proceed in a summary manner. N.J.S.A. 13:1E-9(f).

THE SITE

2. At all times relevant to this Verified Complaint a hazardous waste recycling facility and other businesses are operated by defendants at Old Waterworks Road, Block 6303, Lots 9 and 11 and Block 7000, Lot 7, on the tax map of Old Bridge Township, Middlesex County, New Jersey (the "site"). The site is owned by Arnet Realty, a New Jersey partnership.

THE PARTIES

3. Plaintiff DEPE is a principal agency within the Executive Branch of the State Government and is vested with the power to institute legal proceedings for the prevention of pollution of the environment and abatement of nuisances in connection therewith and to seek and obtain injunctive relief and the recovery of fines and penalties in proceedings in the Superior Court pursuant to N.J.S.A. 1D-9(e) and N.J.S.A. 13:1-E-9(d) and (f).

4. Defendant Old Bridge Chemicals, Inc. ("OBC") is a New Jersey corporation with principal offices at Old Waterworks Road, Old Bridge Township, New Jersey. OBC manufactures chemicals and operates a hazardous waste facility at the site.

5. Defendant Madison Industries, Inc. ("Madison") is a New Jersey corporation (formerly known as Food Additives, Inc.) which manufactures zinc materials at the site.

6. Defendant Arnet Realty is a New Jersey partnership which owns the land upon which the hazardous waste facility and other operations which are the subject matter of this litigation are located. Arnold Asman and Hyman Bzura are general partners of Arnet Realty.

7. Defendant Hyman Bzura is President, member of the board of directors and majority shareholder of Madison. He is also Vice President, member of the board of directors and majority shareholder of OBC. He is also majority partner in Arnet Realty. He is involved in the exercise of control over these companies' daily activities.

8. Defendant Arnold Asman is President, member of the board of directors and a shareholder of OBC. He is also Vice President, member of the board of directors and a shareholder of Madison. He is also general partner in Arnet Realty.

9. Defendant Nettie Bzura is a member of the board of directors and was a shareholder of OBC and Madison. She was majority partner of Arnet Realty through 1990.

FIRST COUNT

Plaintiff repeats the allegations contained in paragraphs 1-9 of this Verified Complaint as if fully set forth herein.

10. OBC is a hazardous waste facility and hazardous waste generator authorized to do business as an existing hazardous waste facility because it had legally been in operation on or before November 18, 1980.

11. OBC receives hazardous wastes and hazardous substances and processes these waste materials for shipment off-site as products.

12. OBC's use of hazardous wastes and hazardous substances in its manufacturing process also results in the generation of residues that are placed into an open pile and stored outdoors at the site.

13. The pile referenced in paragraph 12 of this Verified Complaint includes:

(a) Residues collected during OBC's production of zinc sulfate from the plate and frame filter presses;

(b) Copper compounds that are "off specification" due to the size of the crystals OBC produced;

(c) Sludges generated from process wastewater OBC sends to a treatment plant that Madison operates on the site. The plant is described in paragraph 30 of this Verified Complaint; and

(d) Solids generated from the treatment of liquid waste from OBC's copper manufacturing process.

14. The pile is approximately 1,500 cubic yards, about the size of an average ranch house. Through constant additions of the sludges to the pile, this size has been maintained despite the excavation (for sale off-site as a micronutrient fertilizer) of about 13,380,000 pounds from the pile between May 1990 and October 1992.

15. The pile described in paragraphs 12, 13 and 14 above was sampled and analyzed and found to exhibit hazardous waste characteristics in December 1989 and October 1992. On December 14, 1989, DEPE's analysis of the samples showed lead levels of 300 parts per million ("ppm") and levels of cadmium of 40 ppm. These toxic levels of lead and cadmium were classified as hazardous waste, pursuant to N.J.A.C. 7:26-8. DEPE's analysis of the samples taken on October 21, 1992 showed that the pile continued to exhibit toxicity characteristics concentrations as high as 44 ppm for lead and 15 ppm for cadmium, such that the pile continued to be a hazardous waste. The pile is a solid and hazardous waste as defined under State law. N.J.A.C. 7:26-1.4 and 7:26-1.6(a) and (b). The cost to DEPE for the December 1989 and October 1992 sampling and analyses was at least \$26,854.45.

16. As a generator of solid waste, OBC is required to determine if the solid waste it generates is a hazardous waste pursuant to N.J.A.C. 7:26-8.5.

17. OBC has never tested to determine whether the solid wastes in the pile are a hazardous waste and in violation of N.J.A.C. 7:26-8.5. Therefore, DEPE tested the solid waste and determined it to be hazardous waste.

18. Additionally, OBC has stored and used hazardous waste piles during the period between with December 4, 1989 and January 15, 1993 or longer in violation of State hazardous waste regulations which prohibit the use of hazardous waste piles. N.J.A.C. 7:26-9.2(b)4. OBC shipped over 2,000,000 pounds of material from the hazardous waste pile off the site during the period from January 17, 1990 to June 13, 1992.

19. By virtue of the conditions described above, which continue to exist, OBC is in violation the Solid Waste Management Act and DEPE's rules and regulations promulgated pursuant thereto.

20. N.J.S.A. 13:1E-9 provides for injunctive relief and the imposition of penalties, not to exceed \$50,000 per day for each violation, and each day's continuance of a violation constitutes a separate and distinct offense, against persons violating the Solid Waste Management Act or any rule or regulation promulgated pursuant thereto.

WHEREFORE, Plaintiff DEPE demands judgment against Defendant OBC:

a. Ordering OBC to immediately cease any and all violations of the Solid Waste Management Act and rules and regulations promulgated pursuant thereto.

b. Ordering OBC to immediately cease any and all violations of N.J.A.C. 7:26-8.5(a) in a manner satisfactory to DEPE by performing such environmental sampling and analysis as DEPE requires in the timeframe specified by DEPE.

c. Ordering OBC to immediately cease any and all violations of N.J.A.C. 7:26-9.2(b)4 in a manner satisfactory to DEPE by managing the hazardous waste at the site in accordance with N.J.A.C. 7:26 and by removing hazardous wastes from the site in accordance with State law.

d. Ordering OBC to pay maximum statutory penalties pursuant to N.J.S.A. 13:1E-9 for its violations of the Solid Waste Management Act and rules and regulations promulgated thereto, including the economic benefit OBC derived from defendants' failure to comply with the SWMA.

e. Ordering OBC to pay DEPE's costs for environmental sampling and analysis described in paragraph 15 of this Verified Complaint.

f. Ordering OBC to pay any and all costs of litigating this matter incurred by plaintiff, including, but not limited to, attorneys' fees.

g. Such other relief as this Court deems just and proper.

SECOND COUNT

Plaintiff repeats the allegations contained in paragraphs 1-20 of this Verified Complaint as if fully set forth herein.

21. Pursuant to the authority of the Solid Waste Management Act, in particular N.J.S.A. 13:1E-9.4, and the regulations promulgated thereunder, DEPE is authorized to conduct inspections of hazardous waste facilities.

22. Between December 4, 1989 and January 15, 1993, DEPE personnel have inspected the site over at least forty-seven (47) times (an average of about once a month) to determine compliance with OBC's operating authorization as a hazardous waste facility and the hazardous waste regulations, N.J.A.C. 7:26.

23. Pursuant to N.J.S.A. 13:1E-18, DEPE is authorized to impose fees for inspections of non-major hazardous waste facilities such as OBC's. The fee for such inspections is established by regulation at N.J.A.C. 7:26-4A. Pursuant to N.J.A.C. 7:26-4A.3 each hazardous waste facility must pay fees for inspections conducted by DEPE.

24. The fees for inspections by DEPE of OBC's hazardous waste facility were assessed at a total of \$32,120.00 as follows:

(a) For the period from May 24, 1990 until February 2, 1992, for 32 inspections at \$500.00 per inspection, for a total of \$16,000.00 pursuant to N.J.A.C. 7:26-4A.3(a)2;

(b) The fee schedule was increased to \$960.00 per inspection effective February 3, 1992, making the fee assessed for the period from February 3, 1992 to December 15, 1992 for

eleven inspections at \$10,560.00 pursuant to N.J.A.C. 7:26-4A.3(c)2.

(c) For the period from June 16, 1992 until December 15, 1992 for seven compliance inspections, for a total of \$4900.00 pursuant to N.J.A.C. 7:26-4A.3(c)(8).

(d) For a compliance review on December 1, 1992, \$660.00 pursuant to N.J.A.C. 7:26-4A.3(c)(9).

25. DEPE issued invoices to OBC seeking the payment of \$32,120.00 in inspection fees for the inspections referenced in paragraph 24 of this Verified Complaint.

26. As of the date of filing of this Verified Complaint, DEPE has not received payment of the fees specified in paragraph 24 of this Verified Complaint, in violation of N.J.A.C. 7:26-4A.2(b).

27. N.J.S.A. 13:1E-9 provides for injunctive relief and the imposition of penalties, not to exceed \$50,000 per day for each violation, and each day's continuance of a violation constitutes a separate and distinct offense, against persons violating the Solid Waste Management Act or any rule or regulation promulgated pursuant thereto.

WHEREFORE, Plaintiff DEPE demands judgment against OBC as follows:

a. Ordering OBC to immediately cease any and all violations of the Solid Waste Management Act and rules and regulations promulgated pursuant thereto.

b. Ordering OBC to immediately pay fees to DEPE pursuant to N.J.A.C. 7:26-4A.3.

c. Ordering OBC to pay maximum statutory penalties pursuant to N.J.S.A. 13:1E-9 for their violations of the Solid Waste Management Act and rules and regulations promulgated thereto.

d. Ordering OBC to pay any and all costs of litigating this matter incurred by plaintiff, including, but not limited to, attorneys' fees.

e. Such other relief as this Court deems just and proper.

THIRD COUNT

Plaintiff repeats the allegations contained in paragraphs 1-27 of this Verified Complaint as if fully set forth herein.

28. Madison receives, recycles and processes hazardous substances and by-product materials for shipment off-site as products.

29. Madison's processing of the waste materials also results in the generation of residues that are placed into an open pile referenced in paragraphs 12, 13 and 14 of this Verified Complaint and stored outdoors at the site.

30. Madison owns and operates a wastewater treatment plant at the site that generates solid wastes. Solids and sludges generated from the frame filter presses at Madison's wastewater treatment plant are either placed on the waste pile

referenced herein or are further processed to remove either zinc or copper, as the case may be.

31. In addition to the materials referenced in paragraph 13 of this Verified Complaint, the waste pile referenced above includes:

(a) Residues collected during Madison's production of zinc chloride; and

(b) Sludge generated from process wastewater OBC and Madison sent to the on-site wastewater treatment plant.

32. Madison is a generator of solid waste and therefore, is required to determine if the solid waste is a hazardous waste pursuant to N.J.A.C. 7:26-8.5.

33. Madison has not tested to determine whether the solid wastes in the pile referenced above are a hazardous waste and therefore, is in violation of N.J.A.C. 7:26-8.5.

34. Additionally, OBC has stored and used hazardous waste piles during the period between with December 4, 1989 and January 15, 1992 or longer in violation of State hazardous waste regulations which prohibit the use of hazardous waste piles. N.J.A.C. 7:26-9.2(b)4. Madison shipped over 11,380,000 pounds of material from the waste piles during the period from May 30, 1990 to October 29, 1992.

35. By virtue of the conditions described above which continue to exist, Madison is in violation the Solid Waste Management Act and DEPE's rules and regulations promulgated pursuant thereto.

36. N.J.S.A. 13:1E-9 provides for injunctive relief and the imposition of penalties, not to exceed \$50,000 per day for each violation, and each day's continuance of a violation constitutes a separate and distinct offense, against persons violating the Solid Waste Management Act or any rule or regulation promulgated pursuant thereto.

WHEREFORE, Plaintiff DEPE demands judgment against Defendant Madison:

a. Ordering Madison to immediately cease any and all violations of the Solid Waste Management Act and rules and regulations promulgated pursuant thereto.

b. Ordering Madison to immediately cease any and all violations of N.J.A.C. 7:26-8.5(a) in a manner satisfactory to DEPE by performing such environmental sampling and analysis as DEPE requires in the timeframe specified by DEPE.

c. Ordering Madison to immediately cease any and all violations of N.J.A.C. 7:26-9.2(b)4 in a manner satisfactory to DEPE by managing the hazardous waste at the site in accordance with N.J.A.C. 7:26 and by removing hazardous wastes from the site in accordance with State and federal law.

d. Ordering Madison to pay maximum statutory penalties pursuant to N.J.S.A. 13:1E-9 for its violations of the Solid Waste Management Act and rules and regulations promulgated thereto, including the economic benefit Madison derived from defendants' failure to comply with the SWMA.

e. Ordering Madison to pay DEPE's costs for environmental sampling and analysis described in paragraph 21 of this Verified Complaint.

f. Ordering Madison to pay any and all costs of litigating this matter incurred by plaintiff, including, but not limited to, attorneys' fees.

g. Such other relief as this Court deems just and proper.

FOURTH COUNT

Plaintiff repeats the allegations contained in paragraphs 1-36 of this Verified Complaint as if fully set forth herein.

37. Arnet Realty is the owner of the site which is the subject matter of this litigation.

38. Arnet Realty has full knowledge of the activities of OBC and Madison which are in violation of the Solid Waste Management Act and which are the subject matter of this litigation. By allowing these violations to continue on its property, Arnet Realty is in violation of N.J.S.A. 13:1E-9(f).

39. Arnold Asman, President of OBC and Vice President of Madison, and Hyman Bzura, Vice President of OBC and President of Madison, are both partners of Arnet Realty. Nettie Bzura was a majority partner of Arnet Realty until 1990 when her interest was transferred to her husband, Hyman Bzura.

40. The Solid Waste Management Act, in particular N.J.S.A. 13:1E-9(f), authorizes DEPE to bring a civil action against any person who violates the provision of the act or any regulation promulgated pursuant thereto making such person liable to a penalty of not more than \$50,000 per day. A "person" is defined to include a "partnership", "individual" and a "corporate official" pursuant to N.J.A.C. 7:26-1.4.

41. By reason of Arnet Realty's allowing the hazardous waste piles to be created and maintained on their property in violation of N.J.A.C. 7:26-9.2(b)(4) and by allowing the piles to remain without testing to determine if they are hazardous waste in violation of N.J.A.C. 7:26-8.5(a), Arnet Realty, Hyman Bzura, Arnold Asman and Nettie Bzura are persons who have allowed these violations to continue on their property in violation of the Solid Waste Management Act pursuant to N.J.S.A. 13:1E-9(f) .

WHEREFORE, Plaintiff DEPE demands judgment against Defendant Arnet Realty, Arnold Asman and Nettie Bzura:

a. Ordering Arnet Realty, Arnold Asman and Nettie Bzura to immediately cease any and all violations of the Solid Waste Management Act and rules and regulations promulgated pursuant thereto.

b. Ordering Arnet Realty, Arnold Asman and Nettie Bzura to immediately cease any and all violations of N.J.A.C. 7:26-8.5(a) in a manner satisfactory to DEPE by performing such

environmental sampling and analysis as DEPE requires in the timeframe specified by DEPE.

c. Ordering Arnet Realty, Arnold Asman and Nettie Bzura to immediately cease any and all violations of N.J.A.C. 7:26-9.2(b)4 in a manner satisfactory to DEPE by managing the hazardous waste at the site in accordance with N.J.A.C. 7:26 and by removing hazardous wastes from the site in accordance with State and federal law.

d. Ordering Arnet Realty, Arnold Asman and Nettie Bzura to pay maximum statutory penalties pursuant to N.J.S.A. 13:1E-9 for their violations of the Solid Waste Management Act and rules and regulations promulgated thereto, including the economic benefit they derived from defendants' failure to comply with the SWMA.

e. Ordering Arnet Realty, Arnold Asman and Nettie Bzura to pay DEPE's costs for environmental sampling and analysis described in paragraph 21 of this Verified Complaint.

f. Ordering Arnet Realty, Arnold Asman and Nettie Bzura to pay any and all costs of litigating this matter incurred by plaintiff, including, but not limited to, attorneys' fees.

g. Such other relief as this Court deems just and proper.

FIFTH COUNT

Plaintiff repeats the allegations contained in

paragraphs 1-41 of this Verified Complaint as if fully set forth herein.

42. The Solid Waste Management Act in particular N.J.S.A. 13:1E-9(f) authorizes DEPE to bring a civil action against any person who violates the provision of the act or any regulation promulgated pursuant thereto making such person liable to a penalty of not more than \$50,000 per day. A "person" is defined to include an "individual" and a "corporate official" pursuant to N.J.A.C. 7:26-1.4.

43. Hyman Bzura is the Vice President, member of the board of directors and majority shareholder of OBC; President, member of the board of directors and majority shareholder of Madison; and majority partner of Arnet Realty. On information and belief, Mr. Bzura is a corporate official, within the meaning of the Solid Waste Management Act, who is responsible for creation and maintenance of hazardous waste piles referenced in paragraphs 12, 13, 29 and 30 of this Verified Complaint and for OBC's and Madison's failure to test the waste pile to determine if it is a hazardous waste. He is also responsible for OBC's failure to pay DEPE fees referenced in paragraph 24 of this Verified Complaint and thus, is subject to the enforcement provisions, including penalties of N.J.S.A. 13:1D-9(d) and (f).

WHEREFORE, Plaintiff DEPE demands judgment against Defendant Hyman Bzura, as follows:

a. Ordering Hyman Bzura to immediately cease any and all violations of the Solid Waste Management Act and rules and regulations promulgated pursuant thereto.

b. Ordering Hyman Bzura to immediately cease any and all violations of N.J.A.C. 7:26-8.5 in a manner satisfactory to DEPE by performing such environmental sampling and analysis as DEPE requires in the timeframe specified by DEPE.

c. Ordering Hyman Bzura to immediately cease any and all violations of N.J.A.C. 7:26-9.2(b)4 in a manner satisfactory to DEPE by managing the hazardous wastes at the site in accordance with N.J.A.C. 7:26 and by removing hazardous wastes from the site in accordance with State and federal law.

d. Ordering Hyman Bzura to immediately pay fees to DEPE pursuant to N.J.A.C. 7:26-4A.3;

e. Ordering Hyman Bzura to pay maximum statutory penalties pursuant to N.J.S.A. 13:1E-9 for their violations of the Solid Waste Management Act and rules and regulations promulgated thereto, including the economic benefit he derived from defendants' failure to comply with the SWMA.

f. Ordering Hyman Bzura to pay DEPE's costs for environmental sampling and analysis described in paragraph 15 of this Verified Complaint.

g. Ordering Hyman Bzura to pay any and all costs of litigating this matter incurred by plaintiff, including, but not limited to, attorneys' fees.

h. Such other relief as this Court deems just and proper.

Respectfully submitted,

ROBERT J. DEL TUFO
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff New Jersey
Department of Environmental
Protection and Energy

DATED: 3/19/93

By: 

Charles A. Licata
First Assistant
State Environmental Prosecutor

DESIGNATION OF TRIAL COUNSEL

Charles A. Licata and Scott B. Dubin are designated as trial counsel in this matter.

DATED: 3/19/93

By: [Signature]

Charles A. Licata

CERTIFICATION UNDER R. 4:5-1

I, Charles A. Licata, Esq., certify that I am unaware of any other action pending in any court or in arbitration proceeding involving the matters set forth in this Complaint. However, the State of New Jersey, Department of Environmental Protection and Energy, and Madison, Inc. are parties in a consolidated action before this Court in City of Perth Amboy v. Madison Industries, Inc., et al. and DEPE v. Chemical and Pollution Sciences, Inc., et al., Docket Nos. C-4474-76 and L-28115-76. In Re Madison Industries, Inc., Case No. 92-37446 (WHG) (Bankr. N.J.) Additionally, DEPE is contemplating taking administrative actions against some of these defendants.

By: [Signature]

Charles A. Licata

DATED: 3/19/93

STATE OF NEW JERSEY)


SS.

COUNTY OF MERCER)

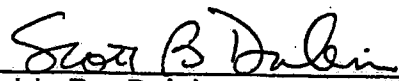
Wolfgang Skacel, of full age, being duly sworn according to law, upon his oath deposes and says:

1. I am the Chief of the Hazardous Waste Enforcement Section of Central Bureau of Water and Hazardous Waste Enforcement of the New Jersey Department of Environmental Protection and Energy.

2. I have read the Verified Complaint on behalf of the New Jersey Department of Environmental Protection and Energy attached hereto and have knowledge of the matters discussed therein. The factual allegations contained therein are true to the best of my knowledge.


Wolfgang Skacel

Sworn to and subscribed before me
this 10th day of March, 1993.



Scott B. Dubin
Attorney-At-Law of the
State of New Jersey